

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

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**KIMBERLY SNEAD,**

**Plaintiff,**

**VS.**

**No. 1:08-cv-1064  
JURY DEMANDED**

**NATIONWIDE PROPERTY AND CASUALTY  
INSURANCE COMPANY,**

**Defendant.**

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**MOTION TO AMEND SCHEDULING ORDER AND FOR A CONTINUANCE OF  
THE TRIAL DATE**

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Comes your plaintiff, by and through counsel of record Michael U. King, and moves the Court for a modification of the Rule 16(b) Scheduling Order and for a continuance of the trial date in this matter and states as follows:

1. The Rule 16(b) Scheduling Order was entered on May 29, 2008. The parties have each made initial disclosures and the defendant has submitted and the plaintiff has answered Interrogatories, Request for Production of Documents, and Request for Admissions. The defendant has also taken the plaintiff's sworn statement prior to the filing of this cause as provided by the terms of the insurance policy at issue in this cause.

2. That plaintiff's deadline for disclosure of expert witnesses under Rule 16(b) Scheduling Order is currently October 24, 2008, however, the plaintiff is unable to finalize a list of experts without the information to be gained from written discovery. The plaintiff has not submitted written discovery at this date but intends to do so within the next seven (7) days.

3. Plaintiffs would suggest changes to the current Rule 16(b) Scheduling Order as follows: **COMPLETING ALL DISCOVERY:** April 24, 2009

(a) **REQUESTS FOR PRODUCTION, INTERROGATORIES and REQUESTS FOR ADMISSIONS:** April 24, 2009

(b) **EXPERT DISCLOSURE (RULE 26(a)(2)):**

(i) Plaintiffs' Experts: January 23, 2008

(ii) Defendants' Experts: February 20, 2009

(iii) Supplementation under Rule 26(e)(2): March 6, 2009

(c) **DEPOSITIONS OF EXPERTS:** April 24, 2009

**FILING DISPOSITIVE MOTIONS:** 3 months before trial

**FINAL LIST OF WITNESS AND EXHIBITS Rule 26(a)(3):**

(a) For Plaintiff: 45 days before trial

(b) For Defendant: 30 days before trial

Parties shall have ten (10) days after service of final lists of witnesses and exhibits to file objections under Rule 26(a)(3).

4. Plaintiff would also request the Court for a continuance of the current trial date of July 6, 2009, to a date to occur after the new dates under Rule 16(b).

Wherefore plaintiff prays for a modification of the Rule 16(b) Scheduling Order, and for all such other relief as the Court may deem proper under the circumstances.

Respectfully submitted, this the 24<sup>th</sup> day of October, 2008.

/s/ Michael U. King  
Michael U. King, 020830  
KING LAW OFFICE  
12880 Paris Street  
P. O. Box 667  
Huntingdon, Tennessee 38344  
(731) 986-2266

**CERTIFICATE OF CONSULTATION**

Counsel for the plaintiff hereby certifies that on October 24, 2008, that I Attempted to consult by telephone with W. Paul Whitt, Esq., on two occasions, and Russell E. Reviere, Esq., on one occasion, concerning this Motion to Amend Scheduling Order, but was unable to reach counsel. I left messages on each telephone call and I received a return call during lunch while I was out of my office. I returned that call at approximately 3:30 p.m. and was told that opposing counsel had left for the day.

/s/ Michael U. King  
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(731) 986-2266

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Motion to Amend Scheduling Order has been served upon the following counsel of record by e-mail and electronic service through the ECF system on this 24<sup>th</sup> day of October, 2008:

Russell E. Reivere; W. Paul Whitt, Rainey, Kizer, Reviere & Bell, PLC 106 Stonebridge Blvd. P. O. Box 1147 Jackson, TN 38351 Jackson, TN 38302-1147;  
pwhitt@raineykizer.com.

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